



Crl.O.P.(MD) No.17405 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.17405 of 2023

and

Crl.M.P.(MD).No.13819 of 2023

1.Rekha

2.Minor.Subhasree

...Petitioner 1 & 2 / Accused No.2 & 3

(represented by her mother /first petitioner)

Vs.

1.State rep. by,

The Inspector of Police,
Kallimandiyam Police Station,
Dindigul District.

(In Crime No.146 of 2023).

...1st Respondent / Complainant

2.Muthulakshmi

...2nd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the First Information Report in Crime No.146/2023 on the file of the first respondent police and quash the same.



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For Petitioners :Mr.R.Varatharajan
For Respondent :Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This petition is filed seeking a direction to quash the FIR in Crime No.146 of 2023, on the file of the first respondent Police.

2.The case of the prosecution as per the defacto complainant's version is that on 10.08.2023 at about 12.30 p.m, when the defacto complainant along with her husband were collecting vegetable in his grove, the accused persons were cutting and removing the standing trees in the bund. That was objected by her son, against which, the accused picked up quarrel and abused them in filthy language, caused assault to her son and also assaulted the complainant. Noticing the approach of her husband, the accused person went away from the place, making criminal intimidation. Thereafter, a complaint was registered in Crime No.146 of 2023, for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC.



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3.The learned counsel for the petitioners would submit that on the date of the above said occurrence, the second petitioner is a minor and the first petitioner was also not present in that place, the entire allegations are only against the first accused.

4.The learned Government Advocate (Crl. Side) would submit that specific allegations has also been made against all the accused persons in the First Information Report and injury suffered by the defacto complainant and also the son. Even though the assault has been caused by the first accused, the presence of the petitioners are also be noted at the time of occurrence. The offences under Sections 506(ii) and 294(b) of IPC are also be alleged against the petitioners. Even though, it has been stated that the said occurrence has not taken in a public place, reading of the FIR, shows that both parties are neighbours. Over the cutting and removing of standing trees only, the trouble arose between the parties.

5.Regarding the second petitioner, concerned authority is directed to take



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up the investigation as per the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. Sofaras the first petitioner is concerned, investigation may be undertaken by the first respondent herein to its logical conclusion. Depending upon the outcome of the investigation, the petitioner is at liberty to work out his remedy trough appropriate proceedings. If so, aggrieved.

6.In view of the above, I absolutely, find no reason to entertain this petition. This petition deserves to be dismissed.

7.Accordingly, this Criminal Original Petition is dismissed with the above said liberty. Consequently, the connected miscellaneous petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

19.10.2023

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To

- 1.The Inspector of Police,
Kallimandiyam Police Station,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN. J.

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